

**United States District Court, Northern District of Illinois**

Name of Assigned Judge or Magistrate Judge	Milton I. Shadur	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	02 C 2826	DATE	4/23/2002
CASE TITLE	Charles Holmes vs. City of Chicago, et al		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

## MOTION:

**DOCKET ENTRY:**

- (1)  Filed motion of [ use listing in "Motion" box above.]

(2)  Brief in support of motion due \_\_\_\_\_.

(3)  Answer brief to motion due \_\_\_\_\_. Reply to answer brief due \_\_\_\_\_.

(4)  Ruling/Hearing on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.

(5)  Status hearing set for 6/21/02 at 8:45 A.M..

(6)  Pretrial conference[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.

(7)  Trial[set for/re-set for] on \_\_\_\_\_ at \_\_\_\_\_.

(8)  [Bench/Jury trial] [Hearing] held/continued to \_\_\_\_\_ at \_\_\_\_\_.

(9)  This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]  
 FRCP4(m)    General Rule 21    FRCP41(a)(1)    FRCP41(a)(2).

(10)  [Other docket entry] Enter Memorandum Order. Accordingly the grant of leave to proceed in forma pauperis is limited to Complaint Counts III and IV, which target only the individual defendants.  
(3-1) This Court is contemporaneously issuing its minute order establishing an initial status hearing date and containing other related provisions. The status hearing will be conducted telephonically with counsel responsible for initiating and placing the conference call to chambers at 312-435-5766.

(11)  [For further detail see order on the reverse side of the original minute order.] order attached to the original minute

	No notices required, advised in open court.		
	No notices required.		number of notices
<input checked="" type="checkbox"/>	Notices mailed by judge's staff.	APR 25 2002	Document Number
	Notified counsel by telephone.	date docketed	
	Docketing to mail notices.	docketing deputy initials	
	Mail AO 450 form.	4/24/2002	
	Copy to judge/magistrate judge.	date mailed notice	
SN	courtroom deputy's initials	SN	mailing deputy initials
		Date/time received in central Clerk's Office	

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

CHARLES HOLMES, )  
v. Plaintiff, )  
CITY OF CHICAGO, et al., ) No. 02 C 2826  
Defendants. )

DOCKETED  
APR 25 2002

MEMORANDUM ORDER

Charles Holmes ("Holmes"), acting through retained counsel, has tendered an employment discrimination Complaint against the City of Chicago and four individual defendants, accompanied by an Application To Proceed Without Prepayment of Fees ("Application"). Because the Application confirms that Holmes is financially qualified for in forma pauperis status, leave is granted to proceed on that basis--but only to the limited extent specified in this memorandum order.

Complaint Counts I and II are sought to be advanced under Title VII, 42 U.S.C. §§2000e to 2000e-17.<sup>1</sup> But the Complaint is wholly devoid of any allegations that speak to the conditions precedent to any Title VII action: Holmes' filing of a timely charge with EEOC and EEOC's issuance of a right-to-sue letter. Hence those claims cannot go forward.

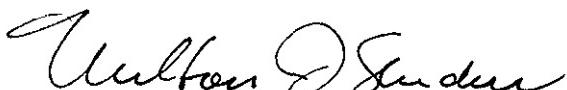
Next, Counts III and IV are sought to be asserted against

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<sup>1</sup> All further references to Title 42's provisions will simply take the form "Section--."

the individual defendants under the Civil Rights Act--Count III under Section 1983 and Count IV under Section 1981. Even if it is assumed that those claims are viable (an issue that is not decided here), Holmes cannot bootstrap himself (1) into the Count V claim against City of Chicago, based on respondeat superior grounds (an attempted end run around Monell v. Dep't of Social Services of City of New York, 436 U.S. 658, 691 (1978)), or (2) for the same reason, into the Count VI claim under the auspices of a state statute, 745 ILCS 10/9-102.

Accordingly the grant of leave to proceed in forma pauperis is limited to Complaint Counts III and IV, which target only the individual defendants. This Court is contemporaneously issuing its minute order establishing an initial status hearing date and containing other related provisions.

  
\_\_\_\_\_  
Milton I. Shadur  
Senior United States District Judge

Date: April 23, 2002